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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,207	11/17/2000	Yonatan Pesach Stern	O02/6	5096

7590

05/05/2005

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EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,207

Applicant(s)

STERN ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-19 and 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE filed 03/14/2005 and Amendment filed 01/11/2005, to the original application filed 11/17/2000.
2. Claims 1-38 are currently pending in this application. Applicants cancelled claims 5-6 and 20. Claims 1, 19 and 23-25 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/11/2005 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Independent claims 1, 19 and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable by Ferrel et al. US006199082B1- filed 07/17/1995 (hereinafter Ferrel), in view of Fitzsimons et al. US006708189B1- filed 03/27/2000 (hereinafter Fitzsimons).

In regard to independent claims 1, a method for automatic publishing data (as taught by Ferrel at col. 1, lines 54-55) **in a final publication format, wherein the data is in the form of the newspaper having a plurality of pages** (as taught by Ferrel at col. 7, lines 60-65), **each page having a layout comprising a plurality of data blocks, each block having an internal structure** (as taught by Ferrel at col. 22, lines 25-35) **and there being logical relationship between said blocks** (as taught by Ferrel at col. 21, lines 45-55, The front page section 430 contains a page 434 which has a picture control 436, and a set of static story controls: a first story control 438, a second story control 440, and a third story control 442. Each static story control or picture control is linked at publication time to just one object control is linked at publication time to just one object, where is the logical relationship between each segment control element has established, which could interpreted as claimed), **the method comprising: analyzing the data to decompose the layout of each page of the newspaper as** taught by Ferrel at col. 30, lines 40-45) **into said plurality of blocks** (as taught by Ferrel at col. 61, lines 8-20, illustrated in FIG. 18a and FIG. 18b the diagram of view block table and view blocks), **representing an objects** (as taught by Ferrel at col. 22, lines 25-35, as also shown in FIG. 8, the business section 432 contains a first page 444 and a second page 446. The page 444 has a single static story control 448, a single picture control 450, wherein each element control linking to other object, which could interpreted as claimed), **said analyzing further comprising parsing said data to determine said logical relationships of said data between said blocks**

(as taught by Ferrel at col. 30, lines 40-50, Sections provide logical breaks in a publication. For example, sections can represent the different parts of a newspaper: Front page, Sports, Lifestyles, and so forth. Sections also play an important role in the composing and navigation features of the MPS Multimedia Publishing System), where is the logical relationship between each segment control element has established, which could interpreted as claimed);

Ferrel does not explicitly teach, **converting each object to an internal publication format, said format identifying said internal structure**, however (as taught by Fitzsimons at col. 7, lines 20-25, still another object of the present invention is to provide for publication in a newspaper, wherein the hot file is to be stored as a parsed file under XML, the formatting which has been filtered from the source file is inserted into the QuarkXPress file (e.g.XML file) as mark-up language, then Then QuarkXPress file may be directly converted into a destination specific file type and vice versa, which could interpreted as claimed); **and rendering said internal publication format to incorporate said objects, said logical relationships between objects, and respective internal structures in the final publication format** (as taught by Fitzsimons at col. 13, lines 10-15) .

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the newspaper automatic publication method taught in Ferrel to include a means to publish the final publication format from different format of different objects. One of ordinary skill in the art would have been motivated to modify this combination to provide the advantages of online publication with an automatic synthesize and prioritize content based on different consumer preferences and maximize time and human labor (as taught by Ferrel at col. 1, lines 54-56 and col. 2, lines 50-55).

In regard to independent claim 19, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

(a) at least one source of newspaper data in a digital format (as taught by Ferrel at col. 7, lines 60-67);

(b) a mark-up language distiller module for converting the data from said digital format to a mark-up language format (as taught by Ferrel at col. 10, lines 20-35, still another object of the present invention is to provide an authoring Subsystem MPS (Multimedia Publishing System) that provides a pair of Document Editor converters for reading/writing MPML (Multimedia Publishing Markup Language) files, a template defining styles and macros used to create MPML files along with some OLE controls used to insert links and apply properties to these files, which could interpreted as claimed), **wherein said mark-up language distiller module analyzes the newspaper data to decompose the newspaper data into said plurality of blocks** (as taught by Ferrel at col. 1, lines 54-55),

Ferrel does not explicitly teach, **c) a publisher server for converting the data from said mark-up language format to a final publication format**, however (as taught by Fitzsimons at col. 13, lines 10-15, still another aspect of the present invention is to provide In the software robot will make an EPS (image file) out of one of the layouts and export it to a folder on a file server. The software robot will also open an article and manipulate and convert it to a format (e.g. HTML, XML, etc.) based upon the attributes of and the business logic associated with a destination presentation space (e.g. internet, intranet, world wide web, etc.). The converted content can then be immediately posted to the destination presentation space, which

could interpreted as claimed); **said final publication format incorporating said blocks with said structure and said logical relationships as objects**, (as taught by Fitzsimons at col. 7, lines 32-62).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the newspaper automatic publication method taught in Ferrel to include a means to publish the final publication format from different format of different objects. One of ordinary skill in the art would have been motivated to modify this combination to provide the advantages of online publication with an automatic synthesize and prioritize content based on different consumer preferences and maximize time and human labor (as taught by Ferrel at col. 1, lines 54-56 and col. 2, lines 50-55).

In regard to independent claim 23, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Preparing a list of text and/or graphic elements for each object (as taught by Ferrel at col. 236, lines 15-25); **determining properties of each element, including determining visibility** (as taught by Ferrel at col. 36, line 25-67), **and overlap characteristics for each graphic element within said object** (as taught by Ferrel at col. 38, lines 30-45, examiner reads graphic "float" to an appropriate point within the presentation resulting from the drag/ drop operation, which could interpreted as claimed).

In regard to independent claim 24, incorporate substantially similar subject matter as cited in claims 1 and 23 above, and is similarly rejected along the same rationale.

In regard to independent claim 25, incorporate substantially similar subject matter as cited in claims 1 and 24 above, and is similarly rejected along the same rationale.

6. **Dependent claims 2-4, 7-18, 21-22 and 26-38** are rejected under 35 U.S.C. 103(a) as being unpatentable by Ferrel et al. US006199082B1- filed 07/17/1995 (hereinafter Ferrel), in view of Fitzsimons et al. US006708189B1- filed 03/27/2000 (hereinafter Fitzsimons).

In regard to dependent claims 2, 3, 4, 10 and 21, incorporate substantially similar subject matter as cited in claim 19 above, and are similarly rejected along the same rationale.

In regard to dependent claims 7 and 27- 28, incorporate substantially similar subject matter as cited in claims 1 and 24 above, and are similarly rejected along the same rationale.

In regard to dependent claims 8-9, 11 and 29, incorporate substantially similar subject matter as cited in claim 1 and are similarly rejected along the same rationale.

In regard to dependent claim 12, wherein said rendering said internal publication format is performed according to a type of hardware device for displaying the final publication format (as taught by Ferrel at col. 62, lines 40-50).

In regard to dependent claims 13, wherein said rendering said internal publication format is performed only after a query from a specific hardware device is received (as taught by Ferrel at col. 24, lines 25-35).

In regard to dependent claims 14-17, incorporate substantially similar subject matter as cited in claims 23-25 and are similarly rejected along the same rationale.

In regard to dependent claim 18, incorporate substantially similar subject matter as cited in claim 1 above, Examiner reads claim 1 limitation stated above, such as each block

Art Unit: 2176

representing an objects, and said logical relationships of said data between said blocks, which are the broader interpretation of the claim 18 limitation, and are similarly rejected along the same rationale.

In regard to dependent claim 22, incorporate substantially similar subject matter as cited in claim 19 above, and further view of the following, and is similarly rejected along the same rationale;

(d) a repository for storing said plurality of objects, and an image of the data, (as taught by Ferrel at col. 26, lines 30-50, Examiner reads he MPS Document Editor 188 will support saving documents in a format which conforms to the MPS DTD (MPML--Multimedia Publishing Markup Language), and provides a pair of Document Editor converters for reading/writing MPML files, a template defining styles and macros used to create MPML files along with some OLE controls used to insert links and apply properties to these files, which could interpreted as claimed).

In regard to dependent claim 26, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Comprise at least one property selected from a group including multiple columns, titles, subtitles, images and image captions (as taught by Ferrel at col. 8, lines 35-40).

In regard to dependent claim 30, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Wherein said blocks rendered in said final publication format may be viewed in an order defined by the user (as taught by Ferrel at col. 10, lines 5-15).

In regard to dependent claims 31 and 35-36, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Wherein said data comprise new data and archive data, wherein said at least one source of data comprises a source of new data and new data (as taught by Ferrel at col. 59, lines 5-15).

In regard to dependent claims 32, 33 and 37-38, incorporate substantially similar subject matter as cited in claims 1 and 19 above, and further view of the following, and are similarly rejected along the same rationale;

Wherein said source of archive data comprise content microfilm data, (as taught by Ferrel at col. 7, lines 65-67, the MPS (Multimedia Publishing System) architecture maintains a clean separation between design information and the content to which that design will be applied, wherein The content takes the form of discrete objects, each of which compose one unit of information, e.g., a story or a picture. These content objects are of well-known and public data formats, and may be created using any tool that supports these data formats. Content objects generally do not have formatting information encoded within them. The term "Multimedia" is used here in the broadest sense to define any type of media, wherein capable of transporting data/information, which could interpret as claimed, "Microfilm data").

In regard to dependent claim 34, incorporate substantially similar subject matter as cited in claims 1 above, and further view of the following, and is similarly rejected along the same rationale;

Graphic User Interface (GUI), (as taught by Ferrel at col. 33, lines 40-45).

Response to Argument

7. Applicant's arguments filed 01/11/2005 have been fully considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272- 4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SANJIV SHAH
PRIMARY EXAMINER

Quoc A. Tran
Patent Examiner
Technology Center 2176
April 21, 2005